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ABSTRACT

The Task Force on Divorce and Divorce Reform was established by the Family Action Section of the National Council on Family Relations in the Fall of 1971. Its purpose was to study divorce in relation to the family, and draft a report which would constitute the basis for action by the NCFR and its members. Since several aspects of divorce were to be studied, the Task Force was divided into five subcommittees: Legal; Counseling and Education; Financial; Research; and Media. This report is organized into four parts. Part One presents an overview of the various aspects of divorce and discusses current trends. Part Two consists of the Subcommittee Reports and Recommendations. Part Three lists the future plans of the Task Force. Part Four is an appendix. It contains a bibliography, and lists various organizations and services related to divorce. (Author)

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1974 Report

National Council on Family Relations

Task Force on

Divorce and Divorce Reform

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TASK FORCE REPORT

DIVORCE AND DIVORCE REFORM

October 1973

Prepared by the
Task Force on Divorce and Divorce Reform
National Council on Family Relations
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Minneapolis, Minnesota 55414

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October 15, 1973

Dr. Mary Heltsley, Chairperson
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Dear Mary,

This is the report of the Task Force on Divorce and Divorce Reform. The Appendix, which will include a comprehensive bibliography and other detailed information, will be sent to you by the end of the year.

I am attaching extra copies of this report for your transmittal to the NCFR Board of Directors.

Sincerely,

Emily M. Brown, Chairperson
Task Force on Divorce and
Divorce Reform

Attachment

QUARTERLIES JOURNAL OF MARRIAGE AND THE FAMILY
CARLFRED B. BRODERICK, EDITOR

THE FAMILY COORDINATOR: JOURNAL OF EDUCATION, COUNSELING, AND SERVICES
WILLIAM C. NICHOLS, JR., EDITOR

ACKNOWLEDGMENTS

I am grateful to the National Council on Family Relations for the opportunity to develop this report and for all the dedicated help which I have had in doing so.

Contributions to the Task Force came from concerned individuals all across the country, as well as from Sweden and Canada. In addition, a variety of organizations made their materials and reports available to us. Although they are too numerous to name here, my thanks goes to each one.

I am indebted to all the members of the Task Force, without whom this report would not be possible. I am especially grateful to Loy Simpkins, Claire Lehr, Jetse Sprey and Martha Garrison for shouldering such a large share of the responsibility.

My special appreciation goes to: Dave Olson, former chairman of the Family Action Section of NCFR, who was responsible for the creation of the Task Force; Martha Garrison, whose reports were always in early; Betsy Kent, secretary for the Task Force, who wrote, phoned, compiled, and otherwise kept us (and me) together; Camille Joel, who typed the final report; "Rip" Bush, my boss in the Government of the District of Columbia, who taught me what I know about preparing reports; and Bob Treanor, who has provided encouragement, moral support, advice, last minute help, rewrites, and a balance for my biases.

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FOREWORD

The Task Force on Divorce and Divorce Reform was established by the Family Action Section of the National Council on Family Relations in the Fall of 1971. Its purpose was to study divorce in relation to the family, and draft a report which would constitute the basis for action by the NCFR and its members.

Individuals known to have expertise in the area of divorce were invited to join the Task Force whether or not they belonged to the NCFR. Others joined as the result of notices in various newsletters, through personal contacts, and in response to a preliminary report at NCFR in 1972. The Task Force includes non-divorced and divorced members, as well as representatives of many different disciplines.

Since several aspects of divorce were to be studied, the Task Force was divided into five subcommittees: Legal; Counseling and Education; Financial; Research; and Media. A chairperson was appointed for each subcommittee except the Media, and each subcommittee was responsible for developing its own report. The Media subcommittee was handled by Task Force members living in the Washington, D.C. area, who also functioned as a steering committee for the Task Force.

Data was obtained from published materials and legal documents; by correspondence; and through interviews and discussions. Organizations known to be working on aspects of divorce were contacted and information obtained. Several unpublished documents were also made available to the Task Force.

This report is organized into four parts. Part I presents an overview of the various aspects of divorce and discusses current trends.

Part II consists of the Subcommittee Reports and Recommendations.

Part III lists the future plans of the Task Force.

Part IV is an appendix. It contains a bibliography, and lists various organizations and services related to divorce.

TABLE OF CONTENTS

	Page
LETTER OF TRANSMITTAL	ii
ACKNOWLEDGMENTS	iii
MEMBERS OF THE TASK FORCE	iv
FOREWORD	v
PART I. INTRODUCTION	
PREFACE	1
TRENDS	2
SUMMARY	8
PART II. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS	
LEGAL ASPECTS OF DIVORCE	11
COUNSELING AND EDUCATION	16
ECONOMIC ASPECTS OF DIVORCE	23
RESEARCH	31
ATTITUDES, MEDIA AND DIVORCE	33
GENERAL RECOMMENDATIONS	34
PART III. FUTURE PLANS	
FUTURE PLANS	36

Page

PART IV. APPENDIX

BIBLIOGRAPHY 38

Books, Booklets, Pamphlets 39
Children's Books 46
Films 47
Instructional Material 47
Legislation 48
Newspaper Articles 49
Organizations with Divorce Related Activities/Goals 52
Periodicals Regularly Featuring Articles on Divorce 54
Popular Magazine Articles 55
Professional Journals 57
Professional Papers and Monographs 61
Reports and Other Publications: Federal, State and Local Governments 63
Research Reports and Projects 66
Tapes 67
Testimony 68

PART I

INTRODUCTION

PREFACE

Divorce is a very complex phenomenon. It is all the more complex because of the simplistic manner in which divorce has been treated for years--divorce has been equated with immaturity, immorality and neurosis. It has been cited as the culprit for all sorts of social ills, such as delinquency and the much heralded "breakdown of the family." Divorced individuals have been treated by society and its institutions as second-class citizens: legally, economically and socially. Divorce laws were designed, insofar as possible, to prevent the occurrence of divorce. All this has not served to lessen the divorce rate. Rather, it has increased.

From 1969-1971, there were 26 divorces per 1000 married women 14 to 44 years old; a higher rate than ever before. From 1921-1923, the divorce rate for the comparable group was 10 divorces per 1000, and from 1939-1941, it was 14 per 1000. It is currently projected that 25-29 percent of women born from 1940-1944 will end their first marriage in divorce, and 5-10 percent are expected to experience a second divorce. 1/ In 1973, more than 1,500,000 Americans will be divorced, and another 1,500,000 will take the first steps toward divorce. 2/ A total of 16,000,000 Americans are or have been divorced, 3/ and over 4,000,000 (about 3-4 percent of the adult population) are currently divorced. 4/ Nearly two out of three divorces involve children. Several factors make it certain that a leveling off of the divorce rate will come sometime, 5/ but it is evident that divorce does and will continue to affect a large percentage of our population.

The prevalence of divorce alone indicates that it serves a societal need. (It was pointed out to the Task Force that as the divorce rate has risen, murders within the family have decreased--could there be a relationship?) 6/

In light of the above figures, it is not surprising that there has been a 31.4 percent increase in the number of one-parent families since 1965, the great majority of which are headed by separated and divorced men and women. The median income for single-parent families headed by a woman is $5,114, compared to $9,208 for those one-parent families headed by white males. 7/ Societal support for single-parent families has been notable by its absence.

What is divorce then? Divorce is an emotional, legal and social process through which the marital relationship is dissolved, and the individuals and society come to regard the former partners as single individuals. The decision to divorce calls into play a network, or more accurately a tangle, of individuals and institutions (with their varying goals and effects). The divorce process, in general, results in an extensive reorganization of one's life--lifestyle, economics, relationships with others, and especially, in the individual's own self-concept.

TRENDS

The requirement that divorce be regulated by law serves as a means of social control. However, most of our current divorce laws and traditions were established in response to the needs of a different time. The laws have not kept up with the changes in this society, and do not serve our needs today. And, as has been evident in the Civil Rights struggle, many attitudes and traditions change only as a result of legal changes.

In the past five years we have seen the beginning of an awareness of the problems associated with divorce: 1) those problems caused by the traditional divorce process, and 2) the problems of readjustment following divorce which were previously ignored by this society.

California led the way in 1971, with the implementation of its no-fault dissolution of the marriage. Since then ten additional States have adopted a "pure" no-fault law, six States have added no-fault laws to their existing grounds, five States allow incompatibility as a ground, and 18 States will grant a divorce on the basis of separation. 8/

A true no-fault law grants divorce (or dissolution) on the basis of irretrievable breakdown of the marriage, a decision made by one or both spouses (as opposed to such a decision made by a judge). Fault laws demand a determination by the court as to the complete "innocence" of one spouse and the "guilt" (of a ground for divorce) of the other spouse. In States with both types of laws (a no-fault law added to the existing laws), the couple can use the no-fault law if they both agree to the divorce. However, if they are not in agreement, the only way to obtain a divorce is by using the fault laws.

Contested cases are those where not only is there no agreement to divorce (although divorce law says agreement is cause to deny the divorce), but the divorce suit of one spouse is actively fought by the other spouse. These cases are expensive, lengthy and bitter. Contested divorces are most often denied by the court. The law provides that the "guilt" of both parties constitutes grounds for denying a divorce. Some judges are reluctant to "interfere" with the marriage in case a reconciliation is possible.

The Task Force found no evidence that any marriage was "saved" as a result of the contested divorce. We invite the reader to reflect a moment on the physical, spiritual, moral, financial, social, and psychological condition of litigants and their children, who have gone through, or are going through, this process.

Separation laws vary in the relief they give. Some States provide for divorce based on a mutual agreement of the spouses to separate and the duration of the separation for one or two years. Other States allow for divorce based on separation for one or two years without requiring mutual agreement. This in effect provides the benefits of a no-fault law. Traditionally, many States have included in their laws the provision for divorce based on separation for seven years or more (referred to as Enoch Arden laws).

Alimony and child support laws are little changed, but in some jurisdictions are being applied more equitably to men and women. Thus women in a few cases have been required to pay alimony or child support. Fathers also are beginning to have a better chance of obtaining custody although the scales remain weighted in favor of the mother.

Divorce, when not ignored by marital and family counselors and therapists, has been regarded by them as the result of immaturity, impulsiveness and neuroticism--or as the consequence of not following the therapist's advice. Divorce is only now beginning to be viewed as functional rather than dis-functional. Fewer counselors and therapists today (though still too many) see their only role as trying to preserve the marriage, and more are open to divorce as a legitimate solution to marital problems. That counselors and therapists have not been attuned to divorce in the past is not surprising considering that the professional training of many of them ingrained a belief that their goal is to save marriages. Divorce then amounts to a personal failure for the counselor or therapist holding this belief.

Currently, very few counselors and therapists have enough knowledge of the legal aspects of divorce to ensure that they do not create legal problems for their clients, although the advice given may be sound otherwise. This may be traceable in part to the history of denying divorced individuals admission to training programs for the helping professions.

As far as can be determined, no school providing professional training for counselors and therapists has even one course designed to acquaint the professional trainees with the divorce process. (Some individual courses do include a section on divorce). Yet, these are the people who will be asked to provide help to those with marital problems and those divorcing. The tendency of counselors and therapists to see remarriage as the end goal of divorce, rather than seeing the individual as a complete person, misses the point, and creates additional problems for the divorced. This is a problem with our culture and its expectations, and not just within the helping professions.

The National Council on Family Relations, while doing a more creditable job in educating its membership on divorce than any other professional organization (judging only from the content of its two professional journals) could do even better. For example, the book table at the annual meeting has for the last two years had a meager and ill-chosen display of books on divorce.

Divorce counseling is a new concept just beginning to take shape. It focuses on the adjustment process with the goals of an amicable divorce, personal growth, and the development of a fulfilling life-style as an individual. Unfortunately, few traditional agencies or institutions offer divorce counseling, except for some of the court-attached counseling units. Divorce counselors are generally in private practice or work for small innovative agencies. Some divorce counseling is provided by groups like NOW and Parents Without Partners.

Court-attached counseling is an area where there is much disagreement as to the effectiveness and appropriateness. A number of States have counseling units attached to the domestic relations court, but there is a wide difference in goals and in competence of the staff. Currently, several States are considering instituting court-attached counseling, while New York State has just abolished its State Conciliation Bureaus after finding that its mandatory conciliation procedure was for the most part ineffective in achieving their goal of saving marriages. California, which has been providing court-attached counseling longer than any other State (since 1939, and on a professional basis since 1955), uses professionally-trained staff to provide short-term, crisis-intervention type counseling on an optional basis. It is available to anyone, whether or not legal proceedings have been started. The goals are to provide the means for reconciliation, or where that is not possible, to help the family members "close the door gently." It claims to be quite effective.

Only these States provide for licensing of marriage and family counseling at this time. Licensing will help to ensure that all practicing marriage and family counselors have been professionally trained, rather than self-declared counselors as is now possible in most States. Divorce counselors should be regarded as marriage and family counselors for licensing purposes.

Classes in divorce adjustment are another recent development. These are sponsored by organizations like Parents Without Partners, continuing education departments, and the like. Again, few if any, traditional social service agencies have involved themselves in divorce education.

Discrimination against divorced individuals, particularly women, is widespread in the financial area. Largely as a result of pressure by women's groups and consumer-oriented groups, some legislative action now prohibits discrimination by marital status. Some divorced women can now obtain credit on the basis of financial responsibility, although only after aggressive effort. Buying a house is still extremely difficult despite research that shows marital status has no correlation to foreclosure or default. Extensive changes are needed in this area, and will require legislative and institutional change. As an example of institutional change, at least one professional organization, The American Sociological Association, is now advising its members to omit marital and parental status when using its employment advertising service.

As with counseling and therapy, social science research has largely ignored divorce and the single-parent family. To date, the very small amount of research in this area has been focused on the effects of divorce on children, and most of that pertains only to male children. Some recent research projects are exploring new areas, but as yet research has contributed little to our understanding of divorce. Yet, many social science professionals talk freely about the exclusively negative effects of divorce, with research to the contrary conveniently ignored.

Funding for social science research is presently in trouble. The "NIMH Couples Project," 9/ a longitudinal study just at the point of providing significant data after ten years, is now being closed out.

The media shows the most evidence of real change. Radio and television have aired a number of specials on divorce in the last few years. While not providing a great deal of depth, the approach has been one of exploration and illumination. This year, Maude and her daughter (both divorced) have replaced Julia and Bachelor Father (widow and widower) as television's single parents.

Books on divorce are coming out now as fast as the publishers can get their hands on the manuscripts. Most of these provide legal information or advice on the process of adjustment to divorce, and are intended for the lay public. A few are designed to exploit a new market, most are fair to good, and a few are excellent. Family life texts are also beginning to include material on divorce.

In California, the Conciliation Courts send informational booklets on their services to all applicants for dissolution, while in Massachusetts, the Cooperative Extension Service has developed booklets which explain the legal divorce process. Aetna Life Insurance Company has produced a film on divorce which is available to the public. These innovations need to be followed by many more, but it seems that where divorce is concerned, the media are over the hump.

We thus find a lack of social supports available to the divorced and the single-parent family. It is to the credit of the individuals involved that so many have survived and indeed done quite well. However, it is time for the society to include the divorced and the single-parent family on a first-class basis. Those organizations and institutions which provide services to individuals and families must gear up to provide equal access to appropriate social, legal, and economic services for those divorcing and for the single-parent family.

This Task Force has proceeded on the assumption that NCFR, with its interdisciplinary membership and its leadership in the family field, is in a key position to promote and effect many of the needed changes in the area of divorce. The recommendations which follow are designed to provide a basis for action by NCFR and its members. In order to better assist NCFR in carrying out these recommendations, an extension of the Task Force for another year is requested.

This report has been prepared by the divorced and non-divorced members of the Task Force on Divorce and Divorce Reform.

SUMMARY

1. The current trend in the United States is toward the liberalization of divorce laws. Since 1971, a number of States have adopted "no-fault" divorce laws. These provide for divorce on the basis of irretrievable breakdown of the marriage or separation for one or two years. Although custody, alimony, and child support laws have changed little, their application is beginning to change.

2. Divorce has largely been ignored or disapproved by marriage and family counselors. The validity of the traditional save-the-marriage approach in counseling is questioned. Divorce counseling is not generally available except from some of the court-attached counseling agencies and a few private practitioners. The desirability and the nature of court-attached counseling is subject to much disagreement.

   Professional training for marriage and family counselors and related professionals does not provide adequate information on divorce. Most divorce education programs are sponsored by organizations other than traditional social service agencies.

3. A great deal of discrimination confronts the separated and divorced (especially women) in the financial area including credit, housing, loans, hiring, taxes, and educational opportunities.

   Legal fees for divorce appear to be based (related to) on the net worth of the couple.

4. Divorce and the single parent family have largely been ignored by social science researchers. Funding for such research is in short supply at this time.

5. The media shows the most evidence of real change with regard to divorce. Television specials, books, magazines, articles and other materials on divorce are beginning to appear with some regularity.

6. Extensive and wide-ranging recommendations are made in each of these areas for action by NCFR and NCFR members.

FOOTNOTES

1/ Glick, Paul C., and Norton, Arthur J. "Perspectives on the Recent Upturn in Divorce and Remarriage" Demography, August 1973.

2/ U.S. Department of Commerce. Statistical Abstracts of the United States, 1972.

3/ "The Broken Family - Divorce U.S. Style" Newsweek, March 12, 1973.

4/ De Wolf, Rose. "No Fault Divorce; Myths of American Marriage" The Nation, April 23, 1973, p. 527.

5/ Glick, Paul C., and Norton, Arthur J. "Perspectives on the Recent Upturn in Divorce and Remarriage" Demography, August 1973.

6/ Federal Bureau of Investigation. Uniform Crime Reports, 1972, p. 9.

7/ "Rising Problems of Single Parents" U.S. News & World Report, July 16, 1973, p. 32-34.

8/ De Wolf, Rose. "No Fault Divorce; Myths of American Marriage" The Nation, April 23, 1973, p. 527-528.

9/ The "NIMH Couples Project," headed by Dr. Robert Ryder, is part of the "Bethesda Longitudinal Studies," directed by Dr. Richard Bell. Dr. Ryder and Dr. Bell are on the NIMH staff.

PART II

SUBCOMMITTEE REPORTS AND RECOMMENDATIONS

LEGAL ASPECTS OF DIVORCE

The objectives of the National Council on Family Relations as stated in the constitution are to provide opportunities for those interested in family life to plan and act together on concerns relevant to all forms of marriage and family relationship; to disseminate information; and to further effective social action. In pursuance of these objectives, the National Council on Family Relations has organized a Task Force on Divorce and Divorce Reform. The subcommittee on legal aspects of divorce has been charged with making recommendations and offers the following:

1. Some form of a no-fault ground for divorce is preferable to fault grounds based upon guilt and innocence.

Irretrievable breakdown of the marriage or living apart for a specified period of time as no-fault grounds for divorce appear to be the trend in the United States. At the present time, about fifteen States have adopted some form of no-fault grounds for divorce. (See Wadlington Divorce Without Fault Without Perjury, 52 Virginia Law Review 32; Foster Divorce Reform and the Uniform Act, 7 Family Law Quarterly, page 179, 1973).

The task force believes that if a marriage has died the law should offer a decent burial. Divorce does not destroy the marriage but is the socially recognized procedure for redetermining a status of individuals. For many years, a growing concern and dissatisfaction may be found throughout the United States with the traditional fault grounds for divorce. No other field of law has rules more confusing and contradictory than the fault grounds for divorce. Public opinion today says that if a marriage has in fact died, the court should terminate the marriage and do so as realistically and honestly as possible.

2. In marriages where children are not involved and when the parties have agreed on their property rights, only minimal State involvement should occur for purposes of providing necessary records.

Divorce historically has required a legal procedure. The State has historically asserted its right to regulate marriage and divorce. Although there has been little movement in the direction of removing divorce from direct State regulation, a dissatisfaction with the expense and formal procedure for divorce is recognized. The State intervention has concerned itself with three questions:

(1) the custody and support of the children; (2) the division of the property and awards for alimony; and (3) whether or not the legal grounds for divorce exist. If there are no children as a result of the marriage and if the parties have made settlement of their property and alimony rights and if the State is willing to permit the parties to decide that the marriage has ended, then a procedure where the divorce could be registered could be enacted. Such a registration statement would show that the property rights have been settled so that questions of title to property would be resolved. The records would show that the marriage has been terminated as a matter of public record so that questions of inheritance rights, capacity to remarry, etc., would be available.

3. Custody of children of the marriage should be based on a positive situation for the children rather than related to the grounds for divorce, and should be removed from adversary proceedings.

Perhaps the most difficult aspect of divorce is in regard to the provision that should be made for the children of the marriage. The question of the custody of the children ultimately resolves itself into the question: Who should make the determination in regard to custody? No automatic presumptions should obtain (e.g., traditional role expectations). Guidelines need to be developed for use as aids in considering custody (in relation to needs, resources, effects of changes) in relation to each parent and to the children.

The Task Force recommends that whatever procedure is adopted, more emphasis must be placed upon creating a positive situation for the children.

4. Child support should be based on the needs and assets of both parents. Full financial disclosure of assets and income of both parents should be considered in determining the amount of support as well as the needs of the children.

This is felt to be a restatement of the law as it exists today but with emphasis being placed upon the consideration of the assets and income of both parents, recognizing the obligation of both parents to provide child support rather than placing the primary burden upon the father.

5. In awarding alimony to a spouse upon divorce, such award should be limited to cases of incapacity on the part of a spouse to provide for his or her own needs or for the purpose of rehabilitating or developing a spouse's earning capacity.

Alimony should not be awarded as a punishment of one of the spouses but only for the purpose of providing needed support for one who does not have the capacity to provide for himself or herself or to develop or rehabilitate a spouse's earning capacity.

6. NCFR and its members should encourage the development of administrative tools to recognize contributions by each partner toward the couple's net worth. This accomplished, property settlements should be proportional to contributions, as obtains in the dissolution of other social and economic partnerships.

7. Attempts by States and their courts to retain jurisdiction over the family members, particularly the children, are unreasonably restrictive. The natural mobility of our society should be recognized in arranging visiting privileges, vocational opportunities, etc. A simple, speedy procedure for re-evaluation and change should be available.

8. Enforcement of alimony, custody, child support, visitation, and property provisions must be given a high priority. Any agreement or award must be enforceable to be meaningful. Enforcement moreover should not be punitive in nature but should have as its goal the welfare of all concerned.

9. Although national uniformity of marriage, family, and dissolution laws are desirable, at this time, efforts of NCFR should be directed toward revising divorce laws State by State rather than trying for uniformity among the States.

(For a discussion of the proposed revised uniform marriage and divorce act, see volume 7 of the Family Law Quarterly, number 2, Summer, 1973).

10. NCFR should establish a legal advisory committee to advise on the legal aspects of all family matters.

a. It is recognized that the Task Force on Divorce and Divorce Reform is but a beginning of an on-going concern of NCFR and that to be effective much further work is necessary.

b. NCFR should develop information for lay persons on the divorce process for each State.

c. NCFR should develop information and recommendations as to how legal services can be obtained.

COUNSELING AND EDUCATION

Counseling:

Divorce has been the poor stepchild in those agencies providing the bulk of marital and family counseling: Family Service Agencies, Community Mental Health Centers, County Social Services Departments, denominational family centers, and similar organizations. (Court-attached counseling services will be treated separately in this report). Where divorce is not actually ignored, an unwritten policy often exists that clients should be counseled against divorce. A decision to divorce is often treated as a mistake on the part of the client, due to his/her immaturity or neurotic problems. Obviously in these agencies, nothing that even approaches divorce counseling is available.

Other agencies are able to provide some help with divorce. However, most agencies do not consciously provide this service, and it is a matter of luck if a client facing divorce is assigned a counselor who knows anything about divorce. If a counselor does have expertise in this area, it is most often as a result of his/her personal experience.

A few agencies, mostly private, have initiated identifiable programs in divorce counseling. Some of the more innovative public agencies are quite receptive to the idea of developing this type of service. In addition, a number of private practitioners in the marriage and family field offer marital and divorce counseling, and a few even bill themselves as marriage and divorce counselors. However, as far as the Task Force could determine, no divorce counseling is provided by County Social Services Departments, although they serve a significantly large number of separated and divorced clients.

A new source of services for the separated and divorced is the emergence of divorce counseling as a separate field. Divorce counseling may be regarded as part of marriage and family counseling, and as an entity in itself, having its own distinct focus and phases. It generally begins early in the divorce process, but may begin at any point following the decision to divorce, even after the legal divorce is final. Divorce counseling focuses on the practical matters of readjustment (custody, finances, social, etc.); on the final emotional dissolution of the marital relationship; and on the development of psychic independence. Those counseled are seen individually, or in group sessions, but very seldom with the spouse. Although separate from the legal divorce process, the counseling must relate to the legal process. The divorce counselor is required to have a fairly extensive knowledge of divorce law and the legal process of divorce in his/her State.

Pre-divorce counseling focuses on the decision whether to divorce or not. It often is a part of marital counseling. The degree of help the individual or couple get in exploring divorce as an option depends not only on the counselor's skill and knowledge of divorce, but also on his/her commitment to saving marriages.

Divorce related counseling is provided in a number of States by court-attached counseling units, generally referred to as conciliation courts. These vary widely along three major dimensions: whether the counseling is mandatory, whether the goal is to save the marriage, and whether the staff is professionally trained.

Currently, many States are examining their laws to see if the society is obligating itself to preserve marriages at almost any cost, or if it should limit its role to setting up rules to insure fair play in divorce cases. Some are relying heavily on counseling services. There are questions, however, as to whether court-affiliated counseling should be provided, and whether such counseling should be mandatory. Mandatory counseling however, faces problems in social acceptance, both among its clients and the total society.

Proponents of mandatory counseling usually feel that the courts should attempt to save marriages and/or that marriages should be maintained for the sake of the children. However, the Task Force found no evidence that maintaining a poor marriage was in the best interests of the children. In fact, research supported the opposite position. 1/

Some persons measure effectiveness of such services by tallying the number of marriages "saved." This of course ignores the vast number of cases in which the people involved need saving while the marriage is ended. It also overlooks cases where the "saved" is temporary or not related to the counseling. Defenders of mandatory counseling will do well to broaden their justification. Overall, the "savings" are not impressive. For example: in New York (September 1968-69), there were 1,203 "saved" out of 32,759 cases. 2/ Data from other jurisdictions are consistent. Some feel that mandatory counseling is beneficial to the children involved, but there are, as yet, no significant data on this.

Other States reject the idea of mandatory counseling. Some feel that it is a waste of resources; others that the mandatory aspect makes effective counseling impossible, or that counseling at this point is too late in the process of marital breakdown to save the marriage. But most seem to agree that it could be valuable for the court to make professional counseling readily available. Ideally such counseling would entail the exploration of the options

available and their implications, for the purpose of facilitating the best possible adjustment (in marriage or in divorce) for all the individuals involved. Persons thus are informed of the service and may use it/or not, as they choose. California has been the leader in providing counseling along these lines, and a number of cities have followed suit. However, professional counseling directed to the divorce process as well as to saving marriages is not available from domestic relations courts in most jurisdictions in this country.

Canada revised her divorce laws five years ago, adding "marriage breakdown" as a ground for divorce. At that time, court-affiliated counseling was also established for the purpose of promoting reconciliation. However, this has led to very few meaningful attempts at reconciliation by the parties to the marriage. Seminar participants recently wondered whether an extension of the counseling idea, to assist partners in dissolving their marriages successfully, is not a more practical approach, than the reconciliation efforts specified in the law. "Because society does not seem quite as sure as it once did about marriage itself, the assumptions about reconciliation in the act are no longer as certain as they were five years ago." A participant expressed the opinion that, "The present reconciliation feature of the divorce act is no more than a piece of political window dressing which mollifies those who cannot quite accept the 'marriage breakdown' theory." 3/

In all but three States (California again, Michigan and New Jersey), individuals who are not trained in one of the helping professions can and do advertise themselves as marriage or family counselors. As NCFR members know, results are sometimes disastrous for the recipients of such services. Licensing of marriage and family counselors, as in the three States mentioned above, would help greatly to ensure that the public is protected from untrained practitioners, whether well-meaning or charlatans.

It is common practice for public agencies offering counseling to couples and to families to hire those without professional training. Such agencies include County Social Service Departments and some of the court-affiliated counseling units. The establishment of standards relating to staff qualifications and to the services themselves is again essential to ensure high-quality counseling services.

Education:

Although divorce and adjustment to family crises are now included in family life courses and texts at the college level, there is a dearth of information on divorce elsewhere in our educational system.

High school family life courses usually mention divorce, but most often in connection with the probability of divorce for specific groups, as an evil to be avoided, or as a negative factor in child development (despite research to the contrary). 4/ Teachers are not wholly responsible for this situation. Their professional training seldom provides an understanding of divorce. Neither are suitable materials on divorce generally available, especially for the younger ages.

In 1970, delegates to the White House Conference on Children and Youth declared: "It is vital that children living in all types of family structures, e.g., single parent, traditional, dual work, commune, etc., have equally available options for self-fulfillment." No where however, was education pertaining to divorce suggested. 5/ Yet youth marriages are commonplace in America, and the teenage divorce rate is three times the national average.

The Department of Health, Education and Welfare recently launched an Education on Parenthood program which aims at reaching adolescents before they become parents. These programs however, usually neglect the topic of divorce.

Parents Without Partners has been in the forefront in providing education on divorce and single parenthood. Continuing education programs in a number of States have also developed divorce adjustment classes in the last few years. Few, if any, traditional social service agencies offer similar classes. These classes are designed to help individuals considering or in the process of divorce.

Recommendations:

Counseling:

1. Divorce counseling should be regarded as a specialty within the area of marriage and family counseling, which has its own distinct focus, phases, and knowledge base.

2. Marriage and family counselors (including divorce counselors) should be required to meet State licensing standards similar to professional standards of the AAMFC, American Psychological Association, NASW, or equivalent professional organizations.

3. Counseling services should be available to those considering divorce, but should be independent of the legal process.

4. In States that have court-attached counseling, the following standards should be met:

   a. Such counseling should be optional, but should be open to anyone, whether a divorce suit has been filed or not.

   b. Emphasis should be on short-term counseling related to the current marital situation or the divorce process.

   c. The counseling service should be considered an ongoing resource for those desiring to use it at different periods.

   d. Counselors should be a resource for the counselees, and should not play an official role in the divorce proceedings regarding husband and wife. The counselor should be available to serve in a consulting capacity for the judge regarding custody matters.

   e. Where counseling is mandatory, the State should make provisions to pay for it.

5. Counseling which is not court-attached should meet the following standards:

   a. Counseling services available should include exploration and/or assistance with the divorce process.

   b. Counselors should be a resource for the counselees, and should not play an official role in the divorce proceedings regarding husband and wife. The counselor should be available to serve in a consulting capacity for the judge regarding custody matters.

6. Marriage, family and divorce counselors need to be familiar with divorce law in order to avoid damaging the legal case.

Education:

1. All family life education programs should include divorce as one of the facts of marriage. Such courses should be made part of public education from elementary school through high school.

2. Professional training for marriage and family counselors, social workers, psychologists, lawyers, doctors, etc., should include expertise in divorce and divorce counseling.

3. Divorce education programs should approach divorce from a positive standpoint.

4. Professional and in-service training for teachers and school counselors should include information on divorce which will reduce negative stereotypes about divorce and provide an understanding of the divorce process.

5. NCFR and its members should encourage and assist local agencies and organizations to develop divorce education programs for their communities.

6. NCFR and its members should initiate the development of appropriate materials on divorce for use in family life and divorce education programs.

1/ Nye, F. Ivan. "Child Adjustment in Broken and in Unhappy Unbroken Homes" Marriage and Family Living, Volume 19, 1957, pp. 356-361.

2/ O'Flairity, James P. "Divorce, Modern Style" Trial, September/October 1972, p. 15-16.

3/ Vanier Institute. "Is Reconciliation A Myth? Frustration and Anxiety In Our Society" Transition, July 1973.

4/ Nye, F. Ivan. "Child Adjustment in Broken and in Unhappy Unbroken Homes" Marriage and Family Living, Volume 19, 1957 pp. 356-361.

5/ Forum 8 - Confronting Myths of Education, 1970 White House Conference on Children and Youth, p. 438.

ECONOMIC ASPECTS OF DIVORCE

1. Credit reporting agencies should keep records for individuals rather than for couples.

Credit records for a married couple are customarily listed in the husband's name. His spouse and other family members for whom he is "responsible" are subordinated. Where still practiced, it is a carry-over from the days of alphabetized accounts to clarify who would pay for purchases made by different family members. Today, with computerized account keeping, separate accounts but billing to one or several responsible persons is possible.

Even when a woman attempts to acquire an account in her own name, she has been forced to include the spouse's name. Subsequently the account and statement are in his name. In case of separation or divorce, the account readily continues in the husband's name, but the former wife finds she faces getting credit in her own name now. But she has no credit-worthy credentials since she accumulated none for herself during her bill-paying years of marriage.

Bankers and other lenders defend their policy of extending credit in the husband's name on the basis of state support law--he is legally liable for the support of his wife. In turn, they claim that the body of law regarding divorce, bankruptcy and inheritance pressure lending institutions toward requiring both spouses to sign a loan contract.

Two signatures to a loan contract also provide two individuals to pursue for collection. Divorced and separated women are often denied credit until they provide a "spouse's signature" or equally strange, their father's signature.

2. Discrimination by marital status should be made unlawful in
   a. hiring, leasing living quarters, and buying automobile insurance;
   b. granting of credit and mortgage loans where the following criteria are critical and pertinent:
      (1) income
      (2) assets
      (3) employment record
      (4) past performance in debt repayment
      (5) character references.

Many loan and credit card account applications are evaluated numerically for each item of information. Depending upon availability of money and the policy of the institution, credit is objectively denied when the sum of the numbers is below the qualifying figure. However, once the paper form is completed, an applicant may find the credit or loan officer's subjective evaluation during an interview modifies the original sum.

To check marital status honestly can affect the final figure by 10 to 12 percent. Hence, creditors are assessing attributes to marital status that may not be universal. Divorced women particularly often find they must resort to the humiliating experience of seeking intercession or favors for financial transactions readily obtained by the non-divorced.

Requiring an "unattached woman" to provide a man's signature of responsibility to a lease, or a loan is not uncommon. Spokesmen for savings and loan institutions and for Sears, Roebuck at the hearings in May 1972, regarding discrimination because of sex in credit transactions before the National Commission on Consumer Credit asserted that increasingly a woman's application for loans or credit is considered on her financial strength and reputation for credit-worthiness. On the other hand, a stream of offended witnesses testified that the lofty policies claimed were not practiced generally. However, enlightenment during the years of Women's Liberation Movement seems to have increased, but its application is spotty.

Owing to widespread discriminations because of sex and marital status, Montgomery County, Maryland is considering a local ordinance outlawing these criteria in cases of leasing or buying living quarters and in all other credit transactions. Congresswoman Bella Abzug (N.Y.) has introduced several bills (see NCFR Action section that follows point 7.) with similar goals.

Lenders' wariness toward the separated and the divorced gains apparent support from data showing characteristics of the bankrupt, the overextended and the excessively indebted (Eisenrath, Lane, Matzen, Maynes and Ryan). But marital status is only one of a constellation of characteristics that may contain more sensitive indicators of financial mismanagement. Consider occupation, education, unstable job tenure, inadequate income for basic needs, and mobility, for example. If the divorced were taken as a class, how have its members acted in handling their financial obligations?

Divorced women with custody of the children have difficulty purchasing homes. The female family head whose net worth qualifies her for a mortgage should not be prohibited by abnormally high down payments and/or excessive interest rates on the loan. Worse still is the nonsensical remark, "You might remarry..." If she did remarry, her financial status is more likely to improve rather than deteriorate. Herzog and Earley's research for the National Bureau of Economic Research found no relationship between marital status and the risk of delinquency or foreclosure on mortgages.

3. The reliability of payment received for child support and alimony should be taken into consideration in determining income on applications for credit, mortgages, etc.

Routinely alimony and/or child support receipts are discounted as income in determining credit worthiness. That policy is reasonable when data show that only among the wealthy is alimony and child support income generally dependable. On the other hand, the loan officer should inquire as to its reliability in the interview, rather than to make snap judgments.

4. Income tax inequities that discriminate against single parents should be eliminated by:

   a. The same income tax rate applied to heads of household as to couples filing jointly

According to Schedules X, Y, Z of the 1972 Tax Rates, the following rates apply to a $4,000 taxable income:

Marital Status	Tax	Rate
married, filing jointly	$520	17%
married, filing separately	690	19
single persons	690	19
heads of households	690	19

To qualify as head of a household (according to Internal Revenue Service), the taxpayer must have provided more than half the costs of maintaining a household that is the principal abode for at least one relative for the entire year.

b. Taxation according to marital status based on the proportion of the year during which each status existed

Inequities of all degrees result from complying with the Internal Revenue Service's arbitrary establishment of December 31 as the date for determining status (facts of birth or death, dependency, marital status) for the entire year.

It would be more fair to pro-rate taxation according to the changes in status throughout the tax year.

c. Exemptions for dependent children based on pro-rated cost of support provided by the two biological parents

Provisions of the Internal Revenue Service in effect for the 1972 tax year were as follows:

When the parents of a child are divorced, "generally the parent who has custody of the child for the greater part of the year is entitled to the dependency exemptions." But if the parent who does not have custody (or has it for a lesser period) provides $600 toward the child's support for the calendar year and the decree specifies his entitlement, he is entitled to the exemption. Or, the parent without custody may provide $1200 for the support of the child or children, and the parent with custody fails to establish by a clear preponderance of support, the former may have the exemption.

Reported to the news media in May 1973 was a new IRS ruling that allows support provided by the new spouse (step-parent of the child) in determining which of the divorced parents provided more than half of the child's care. This provision is effective for the 1973 tax year and further is retroactive to the tax year of 1970. Amended forms can be filed which in effect would now change which parent would receive the relief.

Abandoning the all-or-none way of thinking, fairness would recommend that parents pro-rate the cost of child support and gain their exemptions on that fractional basis.

5. Inequities and insecurity about legal fees for divorce could be reduced by:

   a. Providing a listing of recommended minimum fees easily available to the public

   Recommended minimum fees for legal services are established by bar associations to prevent underpricing professional services, but they are seldom publicized. One reason lately for reticence about minimum fees is the fear that they may be termed price-fixing by courts.

   On the other hand, it would give persons considering divorce (1) an estimation of its cost, and (2) a benchmark for comparison to fees quoted by the lawyer consulted.

   Because of lawyers' self-interest in collecting their fee, one of the early agreements signed by the client is arrangement for payment. Consequently, the female may sign that she will be responsible for payment only to learn upon receiving the decree that the court requires the male to pay her fees (resulting in double fees going to her lawyer). In a contested case, the plaintiff pays court costs (court fees recently publicized ranged from $100 for the District of Columbia and $215 in Philadelphia).

Fees appear to be based on the net worth of the couple being divorced, much as they are in estate work. An example of such thinking is Sidney Siller's proposal that maximum fees based on income be made known. He suggests:

Family Income	Maximum Fee
$5,000 - $ 7,000	$ 650 for each party
$7,500 - $20,000	$1000 each
above $20,000	whatever the traffic will bear

In the interest of clearing overcrowded court calendars, it might be worthwhile to decrease attorney's fees proportionately as litigation continues past a fixed reasonable time period.

   b. Itemizing the services rendered

   Awareness of price tags on services would alert litigants in a divorce case of places where each could trim down non-essential costs. Some agreements could be made outside lawyers' offices for example, and save charges as listed below:

Uncontested divorce	$300-$1,000
For appearing in order to show cause hearing	$75- $100
For publication of summons	$75- $100
Per hour for working out a property settlement with the other side	$75- $300

Source: Lawyers' Club of San Francisco, 1966

c. Providing legal services for those financially unable to pay standard legal fees.

Margaret Pecora, Baltimore Legal Aid, reports that they file about 60 percent of the divorces in Baltimore. In Washington, D.C., more than 25 percent of the divorces granted from October 1972 to September 1973 originated in the D.C. Neighborhood Legal Services.

For low-income families, divorces are a reflection of the instability of their lives where problems from alcohol and drugs and bureaucratic economic restrictions compete with inadequate incomes.

Eleanor Hellrung, managing attorney for the family law unit of D.C. Neighborhood Legal Services reports that one third of their cases handled in a year were for divorce. Although the unit completes about 20 divorces a week, there is a waiting list of 1100 names, some of whom will have to wait six months for their cases to come up.

To qualify for legal aid, persons living alone cannot earn more than $72 a week, and if they have one dependent under $91 a week. Court fees are waived.

6. Financial counseling on the special kind of problems of the divorced should be available as a governmental service.

Exploitation by debt counselors, rejection for credit, ignorance of income-stretching techniques provide a hazardous existence for the divorced who often stretch the male's income over two families and otherwise are handicapped by the income level of the female household head.

Government-sponsored financial counseling would be devoid of self-interest common to business establishments.

7. Existing health insurance and retirement programs do not cover the needs of divorced individuals, particularly divorced women.

NCFR needs to study further the relationships of Social Security benefits, Old Age Survivor's Disability Insurance, other retirement programs, and health insurance to divorced individuals and make appropriate recommendations.

Action Priorities for NCFR, the Organization:

Legislation: IMMEDIATE

1. Testify before the House Banking and Currency Committee in support of HR 246, HR 247, and HR 248 (Abzug, N.Y.) which prohibit discrimination on account of sex or marital status in Federally-related mortgage and credit transactions, in Federally insured banks, credit unions and savings and loan associations.

   (A similar bill, The Equal Credit Opportunity Act--S 867, Williams, N.J., and Brock, Tenn., passed the Senate by a 90-0 vote in mid-July, 1973).

2. Testify before the House Ways and Means Committee at hearings for HR 253 (Abzug, N.Y.) which seeks to amend Title II of the Social Security Act to reduce from 20 to 5 years the length of time a divorced woman's marriage to an insured individual must have lasted for her to qualify for a wife's or widow's benefits on his wage record.

3. Testify on the special problems of single parents before the Senate Finance Committee on its hearings on S 650 (Packwood, Ore.) allowing full tax benefits of income-splitting now enjoyed by married individuals. Koch (N.Y.) has a similar bill, HR 715, now referred to the House Ways and Means Committee.

4. Work for the release of impounded funds for the Neighborhood Legal Services.

ONGOING

5. Maintain a listening post to pending legislation concerning divorce, divorced persons, and children of divorced persons. This group, committee or panel should arrange for expert testimony to be presented at hearings on proposed legislation.

Educational Services: ONGOING

1. Encourage the development of low-cost programs to retrain spouses to be self-supporting following divorce. These programs need to be tailored to the needs of single parents with families and should include planning and career guidance, refresher courses, and child care facilities during the parent's classes.

2. NCFR should sponsor the development of a booklet on financial management for the divorced.

3. Promote good child care programs, both custodial and developmental.

Action Priorities for NCFR Members:

Legislation: ONGOING

1. Be a listening post for State and local legislation on issues related to the recommendations.

2. Be ready to testify at hearings or locate someome with credibility to do so.

Educational Services: ONGOING

1. Seek opportunities to develop low-cost programs to retrain spouses to be self-supporting following divorce. These programs need to be tailored to the needs of single parents with families and should include planning and career guidance, refresher courses, and child care facilities during the parent's classes.

2. Be the catalyst, or organizer, to encourage educational institutions, social agencies, other employers, and housing developments to develop child care programs both custodial and developmental.

3. Forward suggestions for the booklet on financial management for the divorced to the committee.

RESEARCH

1. National Council on Family Relations should encourage more funding for longitudinal research on the divorce process as part of the marital process.

2. Published research, and research in progress on divorce.

An overview of the work published and in progress is suggestive of the definition of the term "explanation," namely: "An explanation is a statement which satisfies the curiosity of the person who asked for it." In other words, most published work in the area of divorce (in the widest sense) reflects the questions that members of a wide range of disciplines are asking within the confines (often narrow ones) of their own professional and/or practical orientation. After all, this seems reasonable: Why ask a question that you are not really interested in having answered? The only way in which we (or the NCFR) can remedy this situation is not by fussing over the answers but by suggesting questions that are (1) relevant and (2) combine the legitimate interests of members of a variety of disciplines and that (3) remain relevant to the divorcing public also.

3. In view of the above it is not surprising that the questions that, so far, remain unanswered are those that lie at the crosspoints of given disciplines. For example: the sociological and psychological implications of legal conditions, and changes, are virtually unresearched. The same holds for the reverse situation. Joint interdisciplinary research seems the obvious answer, but before this can be suggested sound interdisciplinary questions must be formulated.

4. Some basic research needs to be done on the process of divorce.

Technically, most published work on divorce is of an ex post facto nature. (This is beginning to change). The divorce process per se is, so far, "under researched." In view of the difficulties of this topic, this is not surprising. Longitudinal studies (ideally speaking, starting before marriage) seem the answer here.

5. The NCFR should consider the founding of a data bank on divorce. This action makes sense only if such a bank is kept up-to-date, and if its contents are readily available to the membership for research and other professional purposes.

6. The NCFR should consider the financing of occasional meetings of a permanent national task force on divorce. The financing could be limited to the payment of travel funds, but seems essential if we wish a group of people (and possible consultants) to cooperate together.

7. In view of the foregoing accent on interdisciplinary work in the study of divorce, the NCFR should take pains to recognize--and where possible define--the legitimate different interests in divorce held by the varying categories of its membership. In other words, divorce does mean many things to many groups of people and cooperation should be based on that awareness. The study of intact marriages is also important to an understanding of divorce.

8. NCFR and its members should take action to continue funding of longitudinal studies in marital and family relations.

ATTITUDES, MEDIA AND DIVORCE

1. National Council on Family Relation members should monitor brochures and other information put out by social agencies for negative attitudes toward divorce (including omission), and take appropriate action.

2. NCFR members should publicize resources and services for the divorced along with information for other individuals and groups.

3. NCFR members should monitor radio, television, newspapers, magazines, and other media for inclusion of accurate unbiased information on divorce, as well as on widowhood and other life-styles, and urge the media to develop appropriate material and programs.

4. NCFR members should monitor and/or develop family life literature, particularly for the elementary school and for the general public, which includes accurate and unbiased information on divorce as well as on other lifestyles.

5. NCFR members should be aware of the terminology of divorce and avoid those words that carry judgmental connotations, such as "broken home."

6. NCFR members should reinforce positive attitudes on divorce when and wherever found, through such means as writing the television station or the publisher.

GENERAL RECOMMENDATIONS

1. National Council on Family Relations and NCFR members should initiate any and all appropriate actions to institute the foregoing recommendations.

2. NCFR members, with other interested professionals and individuals, should take the lead in developing informal networks within their State for the purpose of communication, lobbying, and sharing professional expertise.

3. NCFR members should develop means of teaching the general public how to relate to the divorced and divorcing.

4. NCFR members should be aware of and deal with the fact that divorce is threatening to the non-divorced.

5. NCFR should extend the Task Force on Divorce for another year for the purpose of developing channels of action through which NCFR and its members can carry out these recommendations; sponsor a pre-conference workshop on divorce at NCFR in 1974; and carry out other activities as described under Future Plans.

6. In looking at divorce, attention should also be focused on the impact of changes in marriage laws and mores including: a) waiting period prior to marriage; b) living together; and c) contraception and abortion.

PART III

FUTURE PLANS

FUTURE PLANS

An extension of the Task Force on Divorce and Divorce Reform for one year will provide the time necessary to accomplish the following tasks:

1. Complete a comprehensive bibliography.

2. Arrange for printing and distribution for this report together with the bibliography.

3. Develop channels of action for NCFR and its members pursuant to the Task Force recommendations.

4. Sponsor a pre-conference workshop on divorce before the annual meeting in 1974.

5. Develop a booklet on financial management for the divorced.

6. Study the relationship of health insurance and retirement benefits to divorced individuals and make appropriate recommendations.

PART IV

APPENDIX

APPENDIX

Introduction

This appendix was originally planned as an annotated bibliography to be included in the Task Force report. However, as more and more material came our way, it became impossible to annotate each item. As a result, this appendix is only partially annotated. It also became apparent that it was impossible to categorize material by subject without extensive duplication and considerably more person-hours than we wanted to expend. Therefore, we have organized the appendix by types of materials, e.g., books, films, etc. Each item is listed only once, so if in doubt as to type, check more than one area.

Although this is probably the most comprehensive listing of materials on divorce, it is not an exhaustive listing. We omitted most of what was published before 1960. With the current renewed interest in divorce and the marked increase in materials related to divorce, we are sure to have also missed numerous recent items. We will use the Newsletter of the NCFR's Task Force on Divorce and Divorce Reform to keep readers up-to-date on new materials as we learn of them.

We hope that this appendix, along with the Task Force Report, will prove to be a useful resource for professionals and lay persons interested in the field of divorce.

Books, Booklets, Pamphlets

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Excellent collection of articles. Includes a section analyzing divorce law in terms of the cultural patterns. Recommends changes in our system of divorce. Not a guide.

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A guide to divorce. Recommends no-fault divorce law, but warns how this can be misused.

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Fairly extensive information on Virginia divorce law.

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Davis, Kingsley. "Divorce and Its Effects." Modern Marriage and Family Living. Edited by Morris Fishbein and Ruby Joe Reeves Kennedy. New York: Oxford University Press, 1957.

Davis, Wallace, ed. The Best from the Single Parent. Washington, D.C.: PWP, 1973.
Thirty-nine articles from 1965-1972.

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Despert, J. Louise. Children of Divorce. Garden City, New York: Dolphin, 1962.
A guide for parents and professionals in helping children through divorce.

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Chapter in support of creative divorce.

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Rosenblatt, Stanley. The Divorce Racket. Los Angeles: Nash Publishing Co., 1969.
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Musical comedy about divorce.

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A guide to obtaining a divorce with maximum compatibility and minimum acrimony.

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A guide to readjustment for widows and divorcees.

Thomson, Helen. The Successful Step Parent. New York: Harper and Row, 1966.

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Cavanna, Betty. A Breath of Fresh Air. Morrow, 1966.

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Fiedler, Jean. A Break in the Circle. New York: David McKay, 1971.
Children, 11-14 years.

Fox, Paula. Blowfish Live in the Sea. Scarsdale, N.Y.: Bradbury, n.d.

Gardner, Richard A. The Boys and Girls Book About Divorce. New York: Science House, Inc., 1970.
An excellent guide to understanding and adjustment for the child.

Goff, Beth. Where Is Daddy? Boston: Beacon Press, 1969.
A rather patronizing and sad story for pre-schoolers about a small girl whose parents separate.

Greene, Constance C. A Girl Called Al. Viking Press, 1969.

Johnson, Annabel and Johnson, Edgar. The Grizzly. Harper and Row, 1964.

Lawrence, Mildred. The Treasure and the Song. Harcourt, Brace, Javonovich, 1966.

Lewiton, Mina. Divided Heart. David McKay, 1947.

Lexau, Joan M. Pictures by Martha Alexander. Emily and the Klunky Baby and the Next-Door Dog. New York: Dial Press, 1972.

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Mann, Peggy. My Dad Lives in a Downtown Hotel. New York: Doubleday, 1973.

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Norris, Gunilla Brodle. Lillan. Atheneum, 1968.

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Taylor, Sydney. A Papa Like Everyone Else. Follett, 1966.

Walker, Mildred. A Piece of the World. Atheneum, 1972.

Wojciechowska, Maia. The Hollywood Kid. Harper and Row, 1966.

Films

Breakup. (16mm, color, 15 min). National Instructional Television Center, Box A, Bloomington, Indiana 47401.
For children. Deals with the emotions involved in separation and divorce.

A Family Album. (16mm, color, sound). Aetna Life and Casualty, 1972.
Case study--reasons for marriage breakup. To obtain: 1) call local Aetna office; 2) order directly from A-V Services, Film Distribution, Aetna Life and Casualty, 151 Farmington Avenue, Hartford, Connecticut 06115; 3) call (203) 273-0123 and ask for A-V Services Film Library; 4) to buy, $90 plus local tax; takes 3 to 4 weeks to process order. Currently booked 4-6 weeks in advance.

Understanding Changes in the Family. (FS 27 min). Guidance Associates, 41 Washington Avenue, Pleasantville, New York 10570.
Stimulates discussion of normative problems and stress situations in the family. Sound filmstrips (cassettes or records) with discussion guide.

Instructional Material

Divorce in the United States: Episodes in Social Inquiry Series, Sociological Resources for the Social Studies. Produced by the American Sociological Association. Boston: Allyn and Bacon, Inc., 1972.
Student text and instruction guide.

Legislation (Federal, State, Provincial)

U.S. Congress. House. A Bill to Prohibit Discrimination by Any Part to a Federally Related Mortgage Transaction on the Basis of Sex or Marital Status and to Require All Parties to Any Such Transaction to Submit Appropriate Reports Thereon for Public Inspection, by Bella S. Abzug (D-NY), H.R. 246, 93rd Cong., 1st sess.

U.S. Congress. House. Amends Truth in Lending Act to Prohibit Discrimination by Creditors Against Individuals on the Basis of Sex or Marital Status with Respect to the Extension of Credit, by Bella S. Abzug (D-NY), H.R. 247, 93rd Cong., 1st sess.

U.S. Congress. House. Prohibits Discrimination by Any Federally Insured Bank, Savings and Loan Association or Credit Union Against an Individual on the Basis of Sex or Marital Status in Credit Transactions and Other Activities, introduced by Bella S. Abzug (D-NY), H.R. 248, 93rd Cong., 1st sess.

U.S. Congress. House. Amends Title II of Social Security Act to Provide Benefits for Householders, introduced by Bella S. Abzug (D-NY), H.R. 252, 93rd Cong., 1st sess.

U.S. Congress. House. Amends Title II of Social Security Act to Reduce from 20 to 5 Years the Length of Time a Divorced Woman's Marriage to an Insured Individual Must Have Lasted in Order for Her to Qualify for Wife's or Widow's Benefits on His Wage Record, introduced by Bella S. Abzug (D-NY), H.R. 253, 93rd Cong., 1st sess.

U.S. Congress. House. Amends Title II of Social Security Act to Provide that the Remarriage of a Widow, Widower, or Parent Shall Not Terminate His or Her Entitlement to Widow's, Widower's or Parent's Insurance Benefits or to Reduce Its Amount, introduced by Edward I. Koch (D-NY), H.R. 707, 93rd Cong., 1st sess.

U.S. Congress. House. Amends Internal Revenue Code to Extend to All Unmarried Individuals the Full Tax Benefits of Income Splitting Now Enjoyed by Married Individuals; Removes Rate Inequities for Married Persons Where Both Are Employed, introduced by Edward I. Koch (D-NY), H.R. 715, 93rd Cong., 1st sess. S. 650, by Bob Packwood (R-Ore), similiar bill.

Newspaper Articles

Banks, Carolyn. "The Single Parent in Washington." Washingtonian. Washington Star/News, December 10, 1972.
Overview of the single-parent-family lifestyle.

Bowman, LaBarbara. "Bill Aims at Sex Bias in Housing." The Washington Post, June 13, 1973.
Proposed legislation at county level (Montgomery County, Maryland) prohibiting discrimination in the sale or rental of housing because of sex or marital status.

Bralove, Mary. "Doe vs Doe." Wall Street Journal, 1973 (early).

Clayton, James E. "New Concept Marks Wave of Divorce Law Reforms." The Washington Post, August 28, 1970, p. A22.

Covill, Bruce. "Divorce Can Cost Part of Retired Pay Even Ere You Get It." Navy/Marine Corps/Coast Guard Times, October 17, 1973.

Feinberg, Lawrence. "Divorces in Area Gain 6 to 25%, Jump Tied to Legal Aid for Poor." The Washington Post, September 14, 1973, p. A1.
Government sponsored legal services find their caseload about 1/3 divorces in D.C., and contribute over 25% of the divorces granted annually. In Baltimore, about 60% of the divorces originate in the legal aid offices. Costs to the poor in relation to standard fees are given.

Fiske, Edward. "Catholics Score Marriage Courts." New York Times, October 19, 1972?

Hoffer, William. "Sunday's Child." Potomac. The Washington Post, December 9, 1973.

Jacobson, Aileen. "Money, Women and Divorce." Potomac. The Washington Post, December 9, 1973.

Jones, William H. "Lenders' Bias Hits Women." The Washington Post, October 13, 1973.
The D.C. Commission on the Status of Women surveyed 42 commercial banks, 24 savings and loan associations, 41 mortgage bankers. Replies were received from fifty institutions. Policies relating to sex and marital status vary from institution to institution. Professional women's earnings were less often discounted than non-professional women. Alimony and child support payments considered as income were generally discounted regardless of their reliability.

Kalenik, Sandra. "The Law Establishment and Divorce." Potomac. The Washington Post, December 9, 1973.

Margulies, Martin. "How Are the New Divorce Laws Working?" Parade. The Washington Post, November 28, 1971, pp. 14-15.
Discussion of no-fault laws.

McFadden, Robert. "Bill Easing Divorce Law Passed in Rush in Albany." New York Times, June 2, 1973.
Mandatory conciliation is abolished.

Nokes, R. Gregory. "IRS Changes Exemptions Rule on Child of Divorced Parents." The Washington Post, May 1973.

Roberts, Steven. "But Why the Epidemic? It Could Be as Simple as Making Do Won't Do." New York Times, January 5, 1974.
Analysis of societal changes resulting in higher divorce rate.

Saline, Carol. "Living Happily Ever After . . . (The Divorce)." Today. The Philadelphia Inquirer, July 9, 1972.
Discusses the divorce therapy of a family therapist.

Salk, Dr. Lee. "Telling Children About Divorce." Trend. The Baltimore Sun, August 12, 1973.
Recipes for helping children whose parents or grandparents are divorced understand the relationships.

Stapleton, Constance. "A New Game Plan for Parents and Children: What Makes a Good Parent?" Potomac. The Washington Post, April 29, 1973, pp. 27-42.

Totenberg. "Easy Divorces." National Observer, February 15, 1971, p. 1.

Von Hoffman, Nicholas. "Divorcing Marriage." The Washington Post, June 5, 1970.
Proposes completely flexible marriage contracts.

Wagner, Georgette. "Center Opened for Children of Parents Being Divorced." (UPI). The Washington Post, July 1, 1973.
A supervised playroom in the Chicago Civic Center is available free of charge so the children will not be unattended nor listen in on divorce proceedings.

Wolfe, Bruce. "Divorce Debate--Alimony Rights Questioned in Committee." Diamondback, (daily of University of Maryland), October 30, 1972.
Review of testimony on three resolutions before the Maryland General Assembly regarding temporary alimony.

Yoshihara, Nancy. "Pension Sex Discrimination Charged." The Washington Post, July 26, 1973.
Congressman Griffiths is chairing a hearing on inequities in Social Security benefits, such as "a 20 year sentence" in order for a woman to acquire benefits from her contributing husband if she wants a divorce.

"The American Family." Parade. The Washington Post, December 30, 1973.
Brief statistical report.

"Credit Discrimination Vote Set." The Washington Post, July 18, 1973, p. D10.
Amendment to the Truth in Lending Bill to prohibit discrimination because of sex or marital status in regard to extensions of credit. Subsequent article gave the vote of the Senate as 90-0. Next goes to Consumer Affairs Subcommittee of the House.

"Divorce, California Style: It's Easier Now and Less Painful." Los Angeles Times, March 6, 1972.
Statistics on number of divorces since January 1970. . . . men's attitudes since less financial hardship seems involved in new method . . . alimony for wife . . . movement of mothers and children onto welfare to exist . . . issue raised as to lack of information about how to proceed to get divorce (low cost method cited).

"Divorce Discrimination Charged by 2nd Wives." Baltimore Sun, October 4, 1973.
Charging interference with their civil rights to have a normal family life with children, wives of second marriages sued in Baltimore City Circuit Court, against the State, the Supreme Bench of Baltimore, two of its judges, and 8 judges of the Baltimore County Circuit Court.

"Divorce for the Poor." The Washington Post, July 4, 1971.
History of recent efforts to provide divorce for the poor.

"Lonely Dads." Parade. The Washington Post, September 30, 1973, p. 20.
Single parents who are fathers find each day one long chore punctuated by errors in consumer buying.

"More Mortgages for Women." The Washington Post, March 18, 1972, p. E15.

"New Marriage Canon Called Highlight of Episcopal Rally." The Washington Post, October 15, 1973.
Effective November 1, 1973, a former marriage can be declared "terminated" and therefore no hindrance to a new union. Pre-marital counseling by the clergy following notification of impending marriage 30 days hence. Couples will be asked to sign "declaration of intention" which holds that marriage is a "lifelong union of husband and wife."

"No-Fault Divorce, Insurance." Virginian-Pilot, August 19, 1973.
Committee of Virginia Bar Association considers no-fault divorce.

"Runaway Parents Target of HEW." The Washington Post, October 6, 1973.
Pursue deserting welfare parents and try to induce them to provide support for their children. Louis Hays claims the return to taxpayers could be as high as $4 for every $1 spent on recovery.

Organizations With Divorce Related Activities/Goals

American Bar Association. Family Law Section. Ralph J. Podell, Chairman, Milwaukee County Courthouse, 901 N. 9th Street, Milwaukee, Wisconsin 53233. Committees on divorce laws, alimony, custody, interstate and international support, family counseling, marriage law, and others.

American Federation of Religion and Psychiatry in cooperation with American Academy of Matrimonial Lawyers, New York Chapter.
Offers course: "A Legal Guide for the Marriage, Divorce and Family Counselor."

California Divorce Council. Phillip Carreon, 2211 South Atlantic Boulevard, Suite G, Monterey Park, California 91754, (213) 264-5982.
Provides information on dissolution, promotes further legal reforms. Assists poor, Spanish-speaking in obtaining a dissolution (flat fee and costs).

Conference of Conciliation Courts. Room 241, 111 N. Hill Street, Los Angeles, California 90012.
Professional organization of State and local conciliation courts (court-attached counseling agencies).

Divorce Consultants Associated. James Moore, Director, 2509 Nevada Avenue, South, St. Louis Park, Minnesota 55426.

Divorce Counseling Service. Emily Brown, Director, 3215 Columbia Pike, Arlington, Virginia 22204.

Divorce Education Associates. 3935 Upton Avenue, South, Minneapolis, Minnesota 55410.

Divorce Reform Inc. Richard Bullock, 735 N. Snelling, St. Paul, Minnesota.

Family Life Council of Greater Greensboro. 1301 North Elm Street, Greensboro, North Carolina 27401, (919) 273-3691.
Divorce committee (very active).

Fathers United. First Families First. Second Wives Coalition. Children's League of Divorce Parents. Baltimore, Maryland.
The four groups are working closely together and can all be contacted through Anke Immink, (301) 467-8473.

Legicuum (Legislative Committee of Unitarian Universalist of Maryland). Divorce Reform Subcommittee. Jean Nickel, Chairperson, (301) 622-4149.

Men's Liberation, Inc. 153 E. 18th Street, New York, New York 10003.
Men and women working against alimony.

Minnesota Divorce Justice League. William Carriveau, 761 Raymond Avenue, St. Paul, Minnesota 55114.

National Conference of Commissioners on Uniform State Laws. 1155 E. 60th Street, Chicago, Illinois 60637.
Established in 1892 to work toward divorce reform.

National Council on Family Relations. Task Force on Divorce and Divorce Reform. Emily Brown, Chairperson, 701 N. Pegram Street, Alexandria, Virginia 22304, (703) 751-3883.

New Horizons. Mel Krantzler, Director, 1299 Fourth Street, Room 407, San Rafael, California 94901.

NOW (National Organization for Women). Elizabeth Spalding, National Task Force Coordinator, Marriage and Divorce, 7 Hill Road, Greenwich, Connecticut 06830.
Betty Blaisdell Berry, Advisor to Task Force and Editor of Task Force Newsletter, 541 E. 20th Street, New York, New York 10010.
Many local chapters also have committees on divorce.

NOISE (National Organization to Insure Support Enforcement). Diana DuBroff, Chairperson, 10 Columbus Circle, New York, New York 10019, (212) 765-8404.

Office of Child Development, Office of the Secretary, Department of Health, Education and Welfare. P.O. Box 1182, Washington, D.C. 20013.
Interested in single-parent family research.

Parents Without Partners. Bill Burhen, President; George B. Williams, Executive Director, National Office, 7910 Woodmont Avenue, Washington, D.C. 20014, (301) 654-8850.
Has extensive program for single parents. Over 80,000 members in 600 chapters in the United States, Canada and several other countries.

Potomac Foundation for Mental Health. (301) 530-7891/530-5600.
Includes divorce counseling in services offered.

R Street Women's Center. 1736 R Street, N.W., Washington, D.C. 20009, (202) 232-5145.
Divorce Coordinator: Val Jones.

Regeneration, Inc. New Haven, Connecticut.
Women's divorce and separation counseling service.

U. S. Divorce Reform, Inc. National Office, P. O. Box 243, Kenwood, California 95452.
Chapters in many States.

Women's Equity Action League. National Press Building, Room 538, Washington, D.C. 20004.
Betty Wright, Chairperson, Committee on Divorce.

Women's Law Center. 351 Broadway, New York, New York 10013.
Assists women with legal problems, primarily divorce. Sponsors workshops and publishes a newsletter.

Periodicals Regularly Featuring Articles on Divorce

Conciliation Courts Review. Conference of Conciliation Courts, Room 241, 111 N. Hill Street, Los Angeles, California 90012.

The Family Coordinator. National Council on Family Relations, 1219 University Avenue, S.E., Minneapolis, Minnesota 55414.

Family Law Quarterly. Section of Family Law, American Bar Association, 1155 E. 60th Street, Chicago, Illinois 60637.

Family Process. 149 E. 78th Street, New York, New York 10021.

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Although USDA figures in 1969 indicate that it costs $1400 annually on a low-cost budget to support one child, awards for child support are more likely to be from $15 to $30 weekly. (Testimony from Adele Weaver, President of the National Association of Women Lawyers, on the Equal Rights Amendment before Subcommittee 4 of the House Judiciary Committee, 1971).

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Bella S. Abzug's statement reiterates much of the same kind of testimony as found in National Commission on Consumer Credit. Sex discrimination is primary focus. Lists a few States that prohibit sex discrimination in mortgage loans: Colorado, Idaho, Illinois, Indiana, Massachusetts, Kansas, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, South Dakota. Washington State's legislation covers all forms of credit and financing.

Abzug, Bella S. (D-NY). Sex Discrimination. Hearings before the National Commission on Consumer Finance, Washington, D.C., May 22-23, 1972.
Cited cases and detailed three bills introduced on May 23, 1972:
(1) Prohibits federally insured banks, savings and loan associations and credit unions from discrimination because of sex or marital status. H.R. 248.
(2) Federally-related mortgage transactions must not allow discrimination because of sex or marital status. H.R. 246.
(3) Prohibits discrimination by creditors against individuals on the basis of sex or marital status with respect to the extension of credit. H.R. 247.
(4) Omnibus women's rights bill prohibiting discrimination in federally-aided programs, in public accommodations and in the sale, rental or financing of housing. (Amends civil rights laws, H.R. 249).

Barr, Joseph W. (President of American Security and Trust Company, Washington, D.C.). Sex Discrimination. Hearings before the National Commission on Consumer Finance, Washington, D.C., May 22-23, 1972.
Asserts the reason either a married man or woman has to have spouse co-sign is because "the body of law involving divorce, bankruptcy and inheritance push lending institutions toward the requirement that both husband and wife sign for loans."

Campbell, Sharyn (in behalf of the Women's Legal Defense Fund). Sex Discrimination.*
Divorced woman must seek to establish credit in own name following decree.

Gallagher, Janne. Sex Discrimination.*
Divorced woman's problems with retail credit and auto loan.

Griffiths, Martha W. (D-Mich). Sex Discrimination.*
Quotes John Farry of U.S. Savings and Loan League as saying women with independent earnings (widows, divorcees included) has a "far better chance of getting a mortgage today than she would even two or three years ago."
Cited case: Auto insurance premium raised upon woman's divorce, difficulty in getting auto insurance at all, despite long clean driving record on former husband's car. Asserts formerly married persons are not more immoral, unreliable, nor have more unstable incomes than the rest of the population. Female heads of households have a tremendous economic need to work . . . they are not temporary workers.

*Hereafter referenced, refer to Hearings before the National Commission on Consumer Finance, Washington, D.C., May 22-23, 1972.

Hagan, Mildred (Manager of Commercial Accounts Division of the Boston Credit Central, Sears, Roebuck & Company). Sex Discrimination.*
Agrees divorced woman who has no credit history of credit extensions in her own name may encounter problems in establishing credit, especially if there was a bad record established during the marriage. Sears' solution: a good interview to make a sound credit decision. Couples separated but not divorced offer a special problem.

Hale, Matthew (Counsel for the American Bankers Association). Sex Discrimination.*
Cites legalities peculiar to marriage found in laws. "(See 41 American Journal, 2nd pars. 8, 9, 17, 29, 142, 132-229)." States that women should meet same qualification as men to borrow: good character; vocational stability; financial capacity to repay, considering continuity and availability of assets; personal qualifications, such as an age commensuate with the maturity of the loan; and a bona fide purpose for the loan.

Howard, Betty (Director of Division of Women's Affairs, Minnesota Department of Human Rights). Sex Discrimination.*
Following failure to get state legislation against discrimination because of sex, women's rights groups carried on active campaign demanding that women be 1) able to establish their own credit; 2) keep accounts in their own names when they marry; 3) judged credit-worthy on same basis as man: employment, assets, and references.

Litwiller, Lynne C. (Serves on the Board for the National Organization for Women (NOW) and she is National Coordinator of the NOW Task Force on Taxes and Credit. Also employed as Field Examiner for the National Labor Relations Board). Sex Discrimination.*
Divorced women have no credit rating because credit references were never established in her name, a predicament caused solely by the refusal in the first place to grant credit in her name.

McElhone, Josephine (Employee of the Federal Home Loan Bank Board, but speaking as an economist individual). Sex Discrimination.*
Case of divorced woman, 28, with $9000 cash, unable to buy a $34,500 townhouse, but rejected for flimsy excuses. Through influence of a friend who knew the president of a local lending institution, she received her loan. Subsequently, it was easier to get other credit which had been denied to her previously.

Rohde, Steven M. (Center for National Policy Review, Catholic University of America School of Law). Sex Discrimination.*
Reports that the National Bureau of Economic Research's study by Herzog and Earley on mortgage risk "found no relationship between marital status and the risk of mortgage delinquency and foreclosure."

Seidenberg, Faith A. (Was Vice President for Legal Affairs of National Organization for Women (NOW)). Sex Discrimination.*
Banks consider legally separated women "bad risks;" separated women are likely to be put into "high risk" pools for auto insurance.

Sassower, Doris L. "Matrimonial Law Reform: Equal Property Rights for Women." (Copyrighted) testimony before the Joint Hearings of the Matrimonial Law Committees of the New York County Lawyers' Association and the Association of the Bar of the City of New York, January 14, 1972.
A divorced woman's contribution to her husband's success not reflected in divorce settlement. Proposes: 1) equal division of marital property with equal rights to management; 2) financial reparation to women whose property rights have been destroyed by the divorce reforms law (N.Y.) of 1966. Expresses concern over incollectibility of alimony; proposed maintenance payment reflecting spouse's contribution to economic gain. Expresses concern over children becoming pawns in settlements and inadequate child care arrangements.

Sullivan, Jane M. (Attorney and Counselor at Law, Chairman of the Board of the Northport Federal Savings and Loan Association, Northport, New York, on behalf of the National League of Insured Savings Associations). Sex Discrimination.*
Criteria is the same for all women: if divorced or separated any income based on alimony is considered possibly impermanent and if her only income is alimony, she may have her income position questioned. If she has sufficient additional personal earning capacity, the additional alimony payments may be given some credence. Earned incomes of divorced or separated are not discounted.

Williams, George B. (Executive Director of Parents Without Partners). Sex Discrimination.*
Reports on letter from former employee of Beneficial Finance Company who told of devicus policies to avoid extending credit to divorced or separated individuals. Quotes members' experiences in being rejected for credit by Sears, Roebuck & Company. Asserts that child support and alimony are income. Pleads that discrimination because of widowed, divorced or separated status be immediately ended.